

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

Misuse of Internet Protocol (IP) Captioned Telephone Service	)	CG Docket No. 13-24
	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	

To: Secretary, FCC  
For: Chief, Consumer & Governmental Affairs Bureau

**AMENDMENT TO PETITION FOR LIMITED WAIVER**

On February 22, 2013, Hamilton Relay, Inc. (“Hamilton”), Sprint Communications Company, L.P. (“Sprint”), and Captel Inc. (“Captel” and, collectively with Hamilton and Sprint, the “Petitioners”), filed a Petition for Limited Waiver (“Petition”) requesting a limited waiver of the “default captions off” requirement which took effect on March 7, 2013.<sup>1</sup> The Petition requests a limited waiver in order to allow sufficient time for Internet Protocol Captioned Telephone Service (“IP CTS”)<sup>2</sup> equipment deployed by Petitioners to fully comply with the default captions off requirement.

In this amendment, the Petitioners respectfully request that any such waiver be granted on a retroactive basis, to and including March 7, 2013. In addition, the Petitioners provide updated information about their progress in issuing software updates to all new and already-deployed IP CTS equipment. Finally, the Petitioners amend the scope of their waiver request by proposing a hard cut-off date of thirty (30) days after March 7, after which any Minutes of Use (“MOUs”)

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<sup>1</sup> See 78 Fed. Reg. 8030 (Feb. 5, 2013); see also *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, CG Docket Nos. 13-24, 03-123, FCC 13-13, ¶ 34 (rel. Jan. 25, 2013) (“*Order*”).

<sup>2</sup> IP CTS is an approved form of Telecommunications Relay Services (“TRS”) for hard of hearing individuals. See *Order* ¶ 1.

generated from non-compliant IP CTS equipment would not be billed to the interstate Telecommunications Relay Services (“TRS”) Fund, unless and until such equipment successfully completes the required software update.

**I. Petitioners Have Made Significant Progress in Updating IP CTS Equipment**

Beginning on February 27, 2013 (well ahead of the March 7 compliance deadline), Captel began pushing software updates to Hamilton and Sprint IP CTS users. These updates automatically default the IP CTS equipment to captions off. However, the update can only be activated once the individual user places or receives a call with the captions feature turned on. When the user hangs up from such a call, the update starts.

As of March 7, 2013, a significant number of Hamilton and Sprint IP CTS users had already taken the steps necessary for the software update to complete. As of March 13, 2013, the vast majority of such users had taken the steps necessary to initiate the update. Specifically, as of March 13, 2013, eighty-five percent (85%) of the IP Captel phones that were active in the previous 30 days have been updated with the captions off software, and that percentage is increasing steadily on a daily basis. These numbers demonstrate the limited nature of the Petitioners’ waiver request and their significant efforts to comply with the default captions off requirement.

**II. The Scope of the Waiver Should Be Limited to 30 Days**

In the Petition, Petitioners noted that, despite their best efforts to make the software update available well ahead of the March 7 deadline, they faced technical difficulties in fully complying with Section 64.604(c)(10)(i) by March 7. These difficulties were due in part to the fact that Petitioners must rely on new and existing users to help implement the update. As Petitioners anticipated, not all of their users took the necessary steps by March 7. The Petition

requested a limited waiver to allow those users sufficient time to initiate the update, but the Petition did not specify a particular expiration date for the waiver.

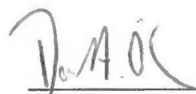
With the experience gained since filing the Petition, Petitioners now believe that the scope of their limited waiver request can be narrowed even further. Specifically, Petitioners propose that the waiver apply from March 7, 2013 to April 7, 2013. Under this proposal, after April 7, 2013 and for the remainder of the interim period, Hamilton and Sprint would not submit any MOUs for reimbursement in connection with any IP CTS equipment that has not been defaulted to captions off. Petitioners believe that this 30-day waiver period strikes an appropriate balance between the Commission's goal of bringing these requirements into force as soon as possible during the interim rule period, and the recognition that extraordinary steps were required in order to bring all of Petitioners' new and existing IP CTS equipment into compliance in an extremely short time period.

### **III. Conclusion**

For the reasons set forth above and in the Petition, Petitioners respectfully request a limited waiver of interim rule Section 64.604(c)(10)(i), retroactive to March 7, 2013 and continuing until April 7, 2013. In addition, Hamilton and Sprint request authority to be compensated from the interstate TRS Fund for any calls associated with the default captions off

software update placed between March 7, 2013 and April 7, 2013, inclusive.

Respectfully submitted,



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*Submitted via ECFS*